

# 106<sup>th</sup> TN General Assembly

## Second Regular Session



**Tuesday, March 23, 2010**

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### SENATE

#### COMMITTEE REPORTS

##### COMMERCE, LABOR & AGRICULTURE – SHR #12 – 1:00 p.m. –

Rec. for pass., ref to Calendar – SB's 3064, 3070, 3889.

Rec. for pass. if am., ref to Calendar – SB's 3410, 3215, 1560, 3625, 160.

Rec. for pass. if am., ref to FW&M – SB 2398.

Action def – SB's 3591, 3500, 3750, 98, 2991, 3197, 3335, 3298, 3302, 3843, 2650, 3331, 3536, 3049, 1508, 2655, 2555, 3555, 3645, 1100, 3096, 3463, 3748, 3757, 3759, 3744, 3629, 3102, 3103, 3104, 3378, 3370, 3388, 508, 3166.

Ref. to Gen. Sub. – SB's 3223, 3632, 3523, 1545, 3084, 3279, 3890, 991, 1658, 2063, 2571, 2515, 2845, 3018, 3095, 3896, 3105, 3366, 3800, 3801, 1789.

##### ENVIRONMENT, CONSERVATION & TOURISM – SHR #12 – 10:30 a.m. –

Rec. for pass. if am., ref to Calendar - SB 2735.

Action def. – SB's 3171, 3623, 3634, 2799, 3501, 2820, 1648, 3728, 1398, 3469, 3159, 2415, 2801, 3112, 280, 3858, 685, 3061, 3126, 3129, 3390, 3508, 3509, 2412.

##### FINANCE, WAYS & MEANS – SHR #12 – 8:30 a.m. –

Rec. for pass., ref to Calendar – SB's 2531, 2666, 2714, 3416, 3436, 2780, 2782, 2847, 3138, 3140, 3824, 3859.

Rec. for pass. if am., ref to Calendar – SB 2497, 3399.

Action def. – SB's 3524, 94, 2636, 2659, 3048, 3050, 3100, 3363, 3678, 3686, SJR's 761, 784, 860.

##### JUDICIARY – SHR #12 – 3:30 p.m. –

Rec. for pass., ref to Calendar - SB's 3001, 3004.

Rec. for pass. If am., ref to Calendar - SB's 3812, 1299, 2988,, 2726, 2341, 3527, 2654, 2966.

Rec. for pass., ref to FW&M - SB 3909.

Rec. for pass. If am., ref to FW&M - SB's 2900, 2901, 3003, 3011.

Failed - SB 2817.

Action def. - SB's 2902, 3136, 2917, 1220, 3290, 501, 3431, 3638, 2707, 2709, 2832, 2665, 3036, 2750, 2725, 2970, 2969, 2395, SJR 698, SB's 2757, 3781, 1722, 197, 3783, 3754, 844, 3740.

Ref. to Gen. Sub. - SB's 2710, 2711, 3414, 2612, 2897.

##### TRANSPORTATION – SHR #12 – 11:30 a.m. –

Rec. for pass., ref to Calendar – SB 1678.

Rec. for pass. if am., ref to FW&M – SB's 1686, 63.

Rec. for concur. if am., ref to FW&M – SJR 764.

Action def. – SB's 2660, 3720, 2523, 2699, 3458, 3665, 3667, 3668, 3673, 3912, 3897, 3537, 3538, 952, 2644, 2647, 2648, 2918, 3283, 3286, 3287, 3423, 2837, 2674, 2679, 2739, 3028, 3040, 3902, 3621, 1325, 2795, 2562, 2632, 2704, 3157, 3229, 2911, 3044, 2382, 3457.

Ref. to Gen. Sub. – SB's 3780, 2673, 2675, 2676, 2677, 2678, 2680.

## CALENDARS FOR WEDNESDAY, MARCH 24, 2010

### Consent

1. **SJR 0871 by \*Black**  
Memorials, Recognition - Hendersonville VFW's Welcome Home Vietnam Veterans Day -
2. **SJR 0872 by \*Woodson**  
Memorials, Recognition - Ossoli Circle, 125th anniversary -
3. **SJR 0873 by \*Norris**  
Memorials, Sports - St. George's Independent School, boy's basketball state championship -
4. **SJR 0874 by \*Stewart, McNally, Berke, Tracy**  
Memorials, Recognition - Dr. Joel Cunningham -
5. **SJR 0876 by \*Crowe**  
Memorials, Recognition - Russell D. Jamerson -

### Consent #2

1. **\*SB 3022 by \*Burks (HB 3168 by \*Curtiss, Lollar, Bone)**  
Veterans - As introduced, allows a local education agency to issue a diploma to a student who failed to receive a diploma due to service in the Vietnam War. - Amends TCA Section 49-2-119.
2. **SB 3124 by \*Burks (\*HB 3148 by \*Winningham, Maddox, Hardaway, Brown, Yokley)**  
Education - As introduced, allows LEAs to use reasonably obtainable information in determining whether a student who dropped out of school enrolled elsewhere; allows LEAs to include GEDs in calculating graduation rates for all purposes other than those in which such inclusion is prohibited by federal law. - Amends TCA Section 1-3-118 and Title 49.
3. **\*SB 3225 by \*Harper, Overbey (HB 3454 by \*Curtiss)**  
Children's Services, Dept. of - As introduced, requires that permanent educational records for students who have been in state custody be forwarded to the department when a department provider agency school ceases operations or when the department no longer contracts with the provider agency. - Amends TCA Title 37 and Title 49.
4. **SB 3338 by \*Henry, McNally, Crowe, Tracy, Stewart (\*HB 3139 by \*Brooks H, Moore, Hardaway)**  
Mental Retardation - As introduced, changes references in several titles of Tennessee Code Annotated from "mental retardation" to "intellectual disability." - Amends TCA Title 33; Title 39; Title 41 and Title 49.
5. **SB 3339 by \*McNally (\*HB 3344 by \*Casada)**  
Alcoholic Beverages - As introduced, authorizes sales of alcoholic beverages on charter boat departing certain premier type tourist resort in Jefferson County; revises geographic requirement for a facility to qualify as premier type tourist resort in Jefferson County. - Amends TCA Title 57, Chapter 4, Part 1.
6. **SB 3362 by \*Black, Ketron (\*HB 3369 by \*Maggart)**  
Sexual Offenders - As introduced, requires the board of medical examiners to revoke the license of any person licensed to practice medicine who is a registered sexual offender and requires board to compare, by September 1, 2010, list of persons licensed to practice medicine with list of registered sexual offenders and violent sexual offenders. - Amends TCA Title 40, Chapter 39, Part 2; Title 63, Chapter 6, Part 2 and Title 63, Chapter 9.
7. **SB 3397 by \*Burks, Faulk (\*HB 3494 by \*Brooks K, Harrison, Ferguson, Williams, Bone, Curtiss, Rich, Weaver, Matlock, Floyd, Carr, Cobb J, Fincher, Evans, Brown, Favors, Hawk, Maddox, Harwell, Winningham, Barker, Shepard)**  
Public Health - As introduced, honors the memory of the late Connie Hall Givens by renaming, in her honor, the Coordinated School Health Improvement Act. - Amends TCA Title 49, Chapter 1, Part 10.
8. **SB 3408 by \*Harper (\*HB 3521 by \*DeBerry J)**  
Human Rights - As introduced, requires each state governmental entity subject to the requirements of Title VI of the federal Civil Rights Act to submit annual Title VI compliance reports and implementation plan updates to "the human rights commission" instead of "the department of audit." - Amends TCA Section 4-21-901.

(Senate Consent #2 cont.)

**9. \*SB 3848 by \*Kyle, Harper (HB 3836 by \*Turner M)**

Civil Service - As introduced, removes the June 30, 2010, termination date for revisions to civil service provisions enacted by Chapter 1 of the Public Acts of 2009 to deal with a proposed reduction in workforce. - Amends TCA Title 8, Chapter 30, Part 4.

**10. \*SB 3863 by \*Kyle, Harper (HB 3830 by \*Favors, Turner M)**

Insurance Companies, Agents, Brokers, Policies - As introduced, removes language requiring that the interstate insurance product regulation commission must terminate on June 30, 2009. - Amends TCA Title 56, Chapter 58, Part 1.

**11. SB 3683 by \*McNally (\*HB 3610 by \*Fitzhugh)**

Local Government, General - As introduced, removes the requirement that the comptroller devise standard procedures to assist the county legislative body in the disposition of funds that are appropriated by the body for the financial aid of any nonprofit charitable organization, any chamber of commerce exempt from taxation, or any nonprofit civic organization, as authorized in present law. - Amends TCA Section 5-9-109.

**12. SB 3684 by \*McNally (\*HB 3609 by \*Fitzhugh)**

Taxes, Real Property - As introduced, removes the exceptions to the requirement that when property has been assessed for property taxation in a county for at least five years, the state board of equalization may not rule that the property is located in a different county; and authorizes the board to redress double assessment in these circumstances. - Amends TCA Section 5-2-115.

**Regular**

**1. SB 1790 by \*Herron (\*HB 0568 by \*Shepard)**

Pharmacy, Pharmacists - As introduced, requires prescriptions for narcotic drugs to be written separately from other drugs. - Amends TCA Title 63.

**2. SB 2297 by \*Kyle, Finney L (\*HB 2284 by \*Ferguson, Turner M)**

Abuse - As introduced, enacts the "Elderly and Disabled Adults Protection Act of 2009." - Amends TCA Title 33; Title 34; Title 63; Title 68 and Title 71.

**3. \*SB 2813 by \*Haynes (HB 3391 by \*Moore, Stewart)**

Courts, Circuit - As introduced, authorizes circuit court judges in Davidson County having domestic or probate jurisdiction to appoint one or more persons to act as magistrates. - Amends TCA Section 17-2-123.

**4. SB 2903 by \*McNally, Southerland, Haynes, Johnson, Burchett, Burks, Overbey, Woodson, Yager, Norris (\*HB 2941 by \*Hackworth, DeBerry J, Eldridge, Brooks K, Stewart, Ramsey, Maddox, Gilmore, Pitts)**

Elderly Persons - As introduced, revises missing senior citizen alert program to remove age and other requirements for the citizen and to urge the search for such persons to begin immediately. - Amends TCA Section 38-6-121.

**5. \*SB 2977 by \*Berke (HB 3299 by \*McCormick)**

Insurance Companies, Agents, Brokers, Policies - As introduced, permits association captive insurance companies to insure obligations under certain federal legislation that provides compensation and benefits to workers for job-related injuries, and further allows association captive insurance companies to hold any interest in qualified headquarters property. - Amends TCA Title 50 and Title 56.

**6. \*SB 3866 by \*Kyle, Henry (HB 3833 by \*Camper, Turner M, Shipley, Rich, Harrison, Watson, Dean)**

Medical Occupations - As introduced, clarifies that a person who is subject to regulation under the Emergency Medical Services Act may be subject to discipline for violating, or attempting to violate, a criminal statute in "any" state, not just this state, if the statute involves moral turpitude or reflects upon the person's ability to fulfill such person's responsibilities. - Amends TCA Title 68, Chapter 140, Part 5.

**7. SB 3154 by \*Overbey (\*HB 3177 by \*Dean)**

Health Care - As introduced, authorizes board of medical examiners to promulgate rules to implement the genetic counselors' licensing act. - Amends TCA Title 63.

**8. \*SB 3191 by \*Barnes (HB 3448 by \*Pitts)**

Taxes, Agricultural and Open Spaces - As introduced, permits owners of agricultural and forest land to preserve the existing condition of such land; revises method of appraisal and assessment for such land. - Amends TCA Title 67, Chapter 5, Part 10.

(Senate Regular Calendar cont.)

**9. SB 3586 by \*Ketron (\*HB 2875 by \*Curtiss)**

Motor Vehicles - As introduced, authorizes use of red flags made from plastic materials instead of cloth to mark a projecting load on a motor vehicle, subject to commissioner's approval. - Amends TCA Title 55.

**10. \*SB 3726 by \*Haynes (HB 3954 by \*Stewart)**

Remedies and Special Proceedings - As introduced, allows general sessions judge to postpone trial for forcible detainer cases longer than 15 days upon agreement of the parties. - Amends TCA Section 29-18-118.

**11. SB 3731 by \*Haynes (\*HB 3582 by \*Coleman)**

Workers Compensation - As introduced, establishes a procedure for handling disputes involving future medicals in a workers compensation case after judgment or settlement. - Amends TCA Title 50, Chapter 6.

**12. \*SB 3857 by \*Kyle, Finney L, Barnes (HB 3819 by \*Borchert, Turner M, Bone, Harmon, Fraley)**

Veterans - As introduced, revises certain factors for determining veterans' preference points in civil service system. - Amends TCA Section 8-30-306.

**13. SB 0135 by \*Ketron (\*HB 0187 by \*Marsh)**

Workers Compensation - As introduced, increases from 10 to 15 days the period of time after expiration of a building permit that the county building commission has to return a certificate of insurance or a workers' compensation policy to the person who obtained the permit. - Amends TCA Title 13.

**14. SB 3189 by \*Kelsey, Ford, O., Overbey, Black (\*HB 3286 by \*Casada, Cobb T, Curtiss, McManus, White, Shipley)**

Vital Records - As introduced, establishes a certificate of birth resulting in stillbirth. -

**15. SB 3602 by \*Ketron (\*HB 3152 by \*Tindell)**

Boards and Commissions - As introduced, creates position of executive director within the Commission on Firefighting Personnel Standards and Education; specifies areas of expertise from which members of the commission are to be appointed. - Amends TCA Section 4-24-104.

**16. SB 3817 by \*Johnson (\*HB 3643 by \*Sargent)**

Business Organizations - As introduced, specifies when the secretary of state must file articles of dissolution or revocation of dissolution of a corporation, articles of termination or articles of termination of existence of an LLC, certificate of cancellation of an LP, certificate of cancellation of registration of a foreign LP, or certificate of authority of a foreign corporation or LLC; and revises the way a foreign corporation or LLC may reinstate a certificate of authority that has been administratively revoked. - Amends TCA Title 48 and Title 61.

**Message**

**1. \*SB 2863 by \*Stewart (HB 3002 by \*McDaniel)**

Insurance, Health, Accident - As introduced, implements and describes certain coverage limitations and benefits provided by the life and health insurance guaranty association. - Amends TCA Title 56, Chapter 12.

**SENATE CONVENES AT 8:30 A.M., WEDNESDAY, MARCH 24, 2010**

# HOUSE

## COMMITTEE REPORTS

### AGRICULTURE – HHR #29 – 9:15 a.m. –

Rec. for pass. if am., ref to FW&M – HB 3738.  
Action def. – HB's 3379, 3858, 3136, 3386, 3913.  
Taken off notice – HB's 1159, 1427, 3570.  
Re-Ref to Gen. Sub. – HB's 163, 3748, 3682.

### CHILDREN & FAMILY AFFAIRS – HHR #31 – 12:00 noon –

Rec. for pass., ref to C&R – HB's 2700, 3426, 2627, 2628, 2995.  
Rec. for pass. if am., ref to C&R – HB's 5, 2630.  
Rec. for pass. if am., ref to FW&M – HB 2372.  
Action def. – HB 33.

### COMMERCE – HHR #16 – 9:15 a.m. –

Rec. for pass., ref to C&R – HB 3824.  
Rec. for pass. if am., ref to C&R – HB's 3159, 2794, 2367, 3773.  
Rec. for pass. if am., ref to FW&M – HB's 3046, 148.  
Action def. – HB's 2970, 3641, 1415, 3654, 3812, HJR 748.

### CONSERVATION & ENVIRONMENT – HHR #29 – 2:00 p.m. –

Rec. for pass. if am., ref to FW&M – HB's 725, 3055, 3466.  
Action def. – HB's 3718, 3904, 3909.  
Taken off notice – HB 3755.

### FINANCE, WAYS & MEANS – HHR #16 – 2:00 p.m. –

Rec. for pass., ref to C&R – HB's 2511, 2512, 2981, 3631, 3939, 1871, 3069, 3844, 3480, 3533, 3263, 3135, 3784.  
Rec. for pass. if am., ref to C&R – HB 3789.  
Action def. – HB's 969, 2863, 3753.

### HEALTH & HUMAN RESOURCES – HHR #16 – 10:30 a.m. –

Rec. for pass. if am., ref to C&R – HB's 3301, 2987, 2978.  
Rec. for pass., ref to FW&M – HB's 1559, 3879, 3393.  
Rec. for pass. if am., ref to FW&M – HB's 2644, 830.  
Action def. – HB's 3552, 2145, 3526, 3532, 3346, 2562.

### JUDICIARY – HHR #31 – 3:30 p.m. –

Rec. for pass., ref to C&R - HB's 3196, 2626, 1801, 3314, 3955, 3282.  
Rec. for pass. If am., ref to C&R - HB 3022, 3103, 2567, 3954, 3281, 3588.  
Rec. for pass., ref to FW&M - HB's 3277, 2631, 2632, , 3142.  
Rec. for pass. If am., ref to FW&M - HB's 3181, 2671, 3428, 3659.  
Rec. for pass., ref to Govt. Ops - HB 1809.  
Action def. - HB's 3278, 3370, 3369, 2718, 1363, 3539, 2821, 2951, 2805, 932, 2000, 3078, 3254, 3383, 2691, 2689, 3283, 3691.  
Taken off notice - HB 3129.

### STATE & LOCAL GOVERNMENT – HHR #16 – 12:00 noon –

Rec. for pass., ref to C&R – HB's 2965, 2484, 3853, 3958, 3521, 3756.  
Rec. for pass. if am., ref to C&R – HB's 2842, 3646, 2913, 3603.  
Rec. for pass., ref to FW&M – HB's 3227, 3732, 2483, 3788.  
Rec. for pass. if am., ref to FW&M – HB's 2485, 3218, 2865.  
Rec. for adopt., ref to C&R – HJR 744.  
Failed – HB 3061.  
Action def. – HB 2744, HJR 5, HB's 3417, 3598, 2822, 3070, 2750.  
Taken off notice – HB's 3060, 3695

(House Committee Reports cont.)

TRANSPORTATION – HHR #16 – 3:30 p.m. –

Rec. for pass., ref to C&R – HB 3225.

Rec. for pass. if am., ref to C&R – HB 3725.

Rec. for pass., ref to FW&M – HB's 3438, 3471, 3924, 2663, 2548.

Rec. for pass. if am., ref to FW&M – HB's 3740, 3739, 3736, 3735, 1338, 2792, 3230, 3509.

Rec. for adopt., ref to FW&M – HJR's 793, 796, 806, 807, 851.

Action def. – HB's 2544, 2653, 3394, 2814, 3041, 3150, 2416, 3627, 262, 3828, 2728.

Taken off notice – HB's 3361, 3747.

## **SUBCOMMITTEE REPORTS**

Consumer Affairs – HHR #30 8:30 a.m. –

Rec. for pass. – HB's 2775, 3018.

Rec. for pass. if am. – HB 3595.

Taken off notice – HB's 1612, 2697.

Domestic Relations – HHR #30 – 3:30 p.m. –

Rec. for pass. - HB's 3423, 2992.

Rec. for pass. If am. - HB's 3424, 3647.

Action def. - HB's 3422, 3114, 3427, 3850, 1131, 1133, 1132, 2442.

Taken off notice - HB 3081.

Elections – HHR #16 –

Rec. for adopt. – HR 59.

Action def. – HB's 3071, 3587, 3705, 2046, 3234, 3714, 3715, 3626, 3065.

Taken off notice – HB's 639, 3700.

Environment – HHR #29 – 10:30 a.m. –

Rec. for pass. – HB 2837.

Rec. for pass. if am. – HB's 3842, 3683.

Action def. – HB's 3287, 455, SJR 306.

Taken off notice – HB 3843.

Family Justice – HHR #31 –

Rec. for pass. – HB's 3425, 2629.

Rec. for pass. if am. – HB 2916.

Action def. – HB 3115.

Taken off notice – HB's 3116, 3568.

Professional Occupations – HHR #31 – 8:30 a.m. –

Rec. for pass. – HB's 3177, 3770.

Rec. for pass. if am. – HB's 1895, 3368.

Action def. – HB's 1570, 2337, 2679, 2655, 3580.

Taken off notice – HB's 3144, 2808.

Public Health & Family Assistance – HHR #30 – 1:30 p.m. –

Rec. for pass. – HB's 3584, 2873.

Rec. for pass. if am. – HB 3814.

Taken off notice – HB's 3704, 1767.

Public Safety – HHR #16 –

Rec. for pass. If am. - HB's 2797, 3684.

Rec. for adopt. - HJR 875.

Action def. - HB's 1312, 3780, 36, 1426, 149, 2733, 2738, 2883, 3262, 3930, 2940, 3079, 3120, 3960, 3790.

Taken off notice - HB's 2648

State Government – HHR #30 – 2:00 p.m. –

Rec. for pass. – HB's 2682, 3350, 2661, 2665.

Rec. for pass. if am. – HB's 2915, 3165.

Rec. for adopt. – HJR 798.

Action def. – HB's 3245, 2914, 3347, 3576, 2911, 3591, 3885, 2660, 2688, 3402, 2826.

Taken off notice – HB's 2974, 3429

(House Subcommittee Reports cont.)

Utilities & Banking – HHR #30 – 10;30 a.m. –

Rec. for pass. – HB 3540.

Action def. – HB's 2727, 704, 1498, 3111, 3112, 3113, 3593.

Taken off notice – HB's 3708, 3511, 3512.

Withdrawn – HB 3708.

Wildlife – HHR #29 – 12:00 noon –

Rec. for pass. if am. – HB's 134, 3619, 958, 3936.

Rec. for adopt. – HJR 786.

Action def. – HB 365.

**HOUSE CONVENES AT 9:00 A.M., THURSDAY, MARCH 25, 2010**